

E-FILED: November 13, 2012

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JOSEPH PHAM,

No. C12-04140 HRL

Plaintiff,

**ORDER THAT CASE BE REASSIGNED
TO A DISTRICT JUDGE**

v.

**REPORT AND RECOMMENDATION RE
DISMISSAL WITHOUT PREJUDICE**

NCB MANAGEMENT SERVICES, INC.,

Defendant.

On August 7, 2012, pro se plaintiff Joseph Pham filed this action, alleging credit reporting and debt collection violations. Defendant has not appeared, and there is no indication that defendant has been served. Pham failed to appear at the initial case management conference; and, on October 23, 2012 the court issued an order directing him to appear on November 13, 2012 and show cause why this case should not be dismissed for failure to prosecute. (Dkt. No. 5). Pham did not appear for the November 13 show cause hearing and he has not otherwise responded to the court's show cause order.

Accordingly, the Clerk of the Court shall reassign this case to a District Judge, and the undersigned recommends that the instant action be dismissed without prejudice for failure to prosecute. FED. R. CIV. P. 41(b).

Any party may file objections to this report and recommendation with the District Judge

1 within fourteen days after being served with a copy. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P.
2 72(b).

3 SO ORDERED.

4 Dated: November 13, 2012

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7 HOWARD R. LLOYD
8 UNITED STATES MAGISTRATE JUDGE
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United States District Court
For the Northern District of California

1 5:12-cv-04140-HRL Notice sent by U.S. Mail to:

2 Joseph Pham
2855 Senter Road, Space 102
3 San Jose, CA 95111

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